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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 42543.3.

First Inventor or Application Identifier Ruben

Title Method of and system for labeling contact

(Only for new n		NSMITTAL nal applications under 37 C.F.			Name = ====== 1= = =	or labeling cont d Medicine <b>US</b>	P
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Name (i	Print/Type)	James E. Mari	na, Esq.	Registration No. (A	Attorney/Agent)	41,969	-

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42543.3

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STATEMENT CLAIMING SMALL ENTITY STATUS

(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

#### Ruben et al. Applicant, Patentee, or Identifier: Application or Patent No.: FiledorIssued: Title: Method of and system for labeling containers of prescribed medicine I hereby state that I am the owner of the small business concern identified below: X an official of the small business concern empowered to act on behalf of the concern identified below: NAME OF SMALL BUSINESS CONCERN\_ Rxperts, Inc. 6308 Oakton Street, Morton, Illinois ADDRESS OF SMALL BUSINESS CONCERN 60053 I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416. I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in: the specification filed herewith with title as listed above. the application identified above. the patent identified above. If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). Each person, concern, or organization having any rights in the invention is listed below: IX no such person, concern, or organization exists. ach such person, concern, or organization is listed below. Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27) I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)) NAME OF PERSON SIGNING Dennis Ruben TITLE OF PERSON IF OTHER THAN OWNER ADDRESS OF PERSON SIGNING 6308 Oakton Street, Morton, Illinois 60053

DATE

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis Ruben et al.

Serial No.: N/A

Filed: Herewith

Art Unit: N/A

For: Method of and System for Labeling Containers of Prescribed Medicine

Examiner: N/A

Winston & Strawn 200 Park Avenue

New York, New York 10166

212-294-6700

#### PRELIMINARY AMENDMENT

Commissioner of Patents and Trademarks Washington, D.C. 20231

SIR:

Prior to any action on the above-identified application, please amend the application as follows:

# In the specification:

Page 1, line 22, change "MSA" to --MAR--.

## In the drawings:

Please substitute the attached Figure 4 for the original Figure 4.

## **REMARKS**

Applicant respectfully submits this Preliminary Amendment to correct a typographical error in the specification and to provide a clearer Figure 4. No new matter has been added.

Respectfully submitted,

James E. Marina, Esq

Reg. No. 41,969

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#### TITLE OF THE INVENTION

Method of and System for Labeling Containers of Prescribed Medicine

#### **BACKGROUND OF THE INVENTION**

#### 5 1. Field of the Invention

The present invention relates to prescription medicine. More particularly, the present invention relates to a method of and system for labeling containers of prescribed medicine.

#### 2. Description of the Prior Art

Those of ordinary skill in the art and laypersons alike are well aware of labels which are found on containers of prescribed medicine. Typically, a label on a container of prescribed medicine will contain information such as the name of the patient; the name of the medicine and the dosage particulars; the name of the prescribing doctor; the quantity of medicine in the container; the expiration date of the medicine; a code which identifies the medicine manufacturer; a prescription number; the prescription date; the name and address of the pharmacy which filled the prescription; and a UPC code which can be used by the pharmacy to automatically identify the prescription in its computer system.

Despite the specific patient identifying information found on containers of prescribed medicine, when distributing medicine to a large number of patients, such as in hospitals and nursing homes, patients often receive the wrong medicine. To combat this serious problem, some hospitals and nursing homes take photographs of their patients and include the photographs in the medication administration record (MSA) used to record the administration of medicine. In this way the nurses administering the medicine are provided with means to

help ensure that a patient does not receive the wrong medication. These photographs are also sometimes attached to the medication cart itself, such as on a drawer, or on the divider cards used to segregate the patients' medicine. These methods, however, are laborious, time consuming, highly inefficient and potentially dangerous.

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#### SUMMARY OF THE PRESENT INVENTION

Accordingly, it is an object of the present invention to provide a method of and system for labeling containers of prescribed medicine which overcomes the problems associated with the prior art. It is a further object of the present invention to provide a method of and system for labeling containers of prescribed medicine wherein the label includes a photograph of the patient.

The foregoing and other objects are achieved by providing a method of and system for labeling containers of prescribed medicine wherein a photograph of a patient is taken. The photograph is then stored on a computer as a computer software object. When a prescription is filled for the patient, the photograph is printed on the label along with the patient's prescription information and the label is attached to the container.

The present invention will now be described in greater detail, with frequent reference being made to the drawings identified below.

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#### **BRIEF DESCRIPTION OF THE DRAWINGS**

In the accompanying drawings:

figure 1 is a schematic diagram of a labeling system in accordance with the present invention;

figure 2 is a flow chart which illustrates the operation of the labeling system of figure

figure 3 is a flow chart which illustrates the operation of the label algorithm; and figure 4 is a sample label in accordance with the present invention.

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#### DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

The following description is presented to enable any person of ordinary skill in the art to make and use the present invention. Various modifications to the preferred embodiment will be readily apparent to those of ordinary skill in the art, and the principles defined herein may be applied to other embodiments and applications without departing from the spirit and scope of the present invention. Thus, the present invention is not intended to be limited to the embodiment shown, but is to be accorded the broadest scope consistent with the principles and features disclosed herein.

The present invention is designed specifically for use by pharmacies which distribute prescriptions to patients in nursing homes, hospitals, or other large medical institutions.

However, it will be realized by those of ordinary skill in the art that the present invention may be used by any pharmacy in distributing prescribed medicine. Thus, the present invention is in no way limited to use in nursing homes and hospitals.

Referring to figure 1, the system 10 in accordance with the present invention includes a digital camera 12 for taking digital photographs of the patients, such as a Kodak<sup>TM</sup> digital camera; a secondary computer 14, such as an IBM compatible personal computer, for downloading the digital photographs from the digital camera 12 and converting the photographs into software objects; a primary computer 16, such as a midrange computer, for

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creating the labels; and a printer 18 attached to the secondary computer 16 for printing the labels.

For purposes of this discussion, it will be assumed that the system 10 will be used by a pharmacy to distribute medicine to patients in a nursing home.

Referring to figure 2, using the digital camera 12, a pharmacist, or an agent or employee of the pharmacist, first takes a digital photograph of each nursing home patient. The digital camera 12 is then attached, via an appropriately configured port, to the secondary computer 14 which contains processing software 20 stored in a memory 21 for converting the digital photographs into software objects 22, such as JPEG files. The photographs are then uploaded to the secondary computer 14 from the digital camera 12 and converted into software objects 22. Digital cameras are generally sold with processing software which will run under popular operating systems, such as Windows 95<sup>TM</sup>, which do this conversion.

Depending on the number of patients and the capacity of the digital camera 12, this process may need to be repeated a number of times. Additionally, as new patients enter the nursing home, their photographs must be taken as well.

After conversion, the software objects 22 are temporarily stored on the secondary computer 14 in memory 21. It will be realized by those of ordinary skill in the art that the secondary computer 14 may be any type of computer which is capable of performing the functions described herein. However, the secondary computer 14 will typically be an inexpensive IBM<sup>TM</sup> compatible personal computer having a central-processing-unit (CPU), a hard drive for storing the processing software and the software objects, a random-accessmemory (RAM), a read only memory (ROM), a monitor, a keyboard and a mouse, all running under Windows 95<sup>TM</sup> or the like.

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The software objects are next uploaded from the secondary computer 14 to the primary computer 16 via appropriately configured ports on each computer, where they are indexed and stored in a photograph database 24 which is stored in a memory 25. The primary computer 16 also includes stored in memory 25 a prescription database 26 which contains the prescription information of each patient, including the name of the patient, the name of the medicine and the dosage particulars, the name of the prescribing doctor, the name of the nursing home and the quantity of medicine in the prescription, and an inventory database 28 which contains information relating to the medicine which the pharmacist has in stock, including the identity of the manufacturers and the expiration date of the various medicines. The prescription database 26 and the inventory database 28 will be periodically updated as the prescription information of the patients change and as the pharmacist's inventory changes. The primary computer 16 also includes a label algorithm 30 which will create the labels.

While the primary computer may also be an IBM<sup>TM</sup> compatible computer, it will generally be a more business oriented computer, such as an IBM AS/400<sup>TM</sup>, having a more powerful CPU, more RAM, more ROM, and a hard drive having sufficient memory to hold the various databases described herein. It will be apparent to those of ordinary skill in the art, however, that the primary computer 16 may be any type of computer capable of performing the functions described herein.

Before any prescriptions are filled, the photographs should be confirmed by sending a grid sheet having the name and photograph of every patient to the nursing home, who will ensure that the names and photographs are correctly matched. In this way any errors which may have occurred during the photographing process can be corrected.

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When it comes time to fill a prescription for a patient, a pharmacist or a pharmacist's technician or the like will run the label algorithm 30 using a terminal 32 connected to the primary computer 16. Typically, the label algorithm 30 will be launched through a master software module 33 which is used to control the overall operation of the primary computer 16, including updating of the various databases. Such master software modules are commercially available and are well known to those of ordinary skill in the art.

Referring to figure 3, which illustrates how the label algorithm functions, the pharmacist or pharmacist's technician or the like will enter information which identifies the patient, such as the patient's name or a prescription number. The label algorithm 30 will then retrieve the prescription information from the prescription database 26, the corresponding photograph from the photograph database 24 and the medicine information from the inventory database 28 and combine the data to create a label. The label will then be printed on the printer 18, which is preferably a laser printer for clarity, but which may be any type of printer. The printed label is then attached to the medicine container, preferably through an adhesive on the back of the label. It will be appreciated that a label algorithm in accordance with the present invention may be readily implemented by one of ordinary skill in the art.

A sample label 34 in accordance with the present invention is shown in figure 4. As is clear from figure 4, the label contains a photograph of the patient, as well as the patient's prescription information. Additionally, the label contains the expiration date of the medicine; a code which identifies the medicine manufacturer; the name and address of the pharmacy which filled the prescription; and a UPC code generated by the label algorithm 30 which can be used by the pharmacy to automatically identify and track the prescription.

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It will be realized by those of ordinary skill in the art that the functions performed by the primary and secondary computers may in fact be performed on one computer instead of two, and thus the present invention is not limited to two separate computers. It will also be realized by those of ordinary skill in the art that the present invention is also not limited to use of a digital camera. For example, photographs may be taken using an ordinary camera. After developing, the photographs may be converted to computer software objects using a scanner or the like.

Nor, as discussed above, is the present invention limited to use in nursing homes, hospitals and the like. Rather, it will be apparent to those of ordinary skill in the art that the present invention may be used in any type of pharmacy, including a consumer's neighborhood pharmacy. For example, when a consumer goes to his neighborhood pharmacy to fill a prescription for the first time, the pharmacist can take his/her photograph and store the photograph in the pharmacist's computer. Each time the consumer fills a prescription, his/her photograph will be printed on the label.

Thus, in accordance with the foregoing the objects of the present invention are achieved. Modifications to the above would be obvious to those of ordinary skill in the art, but would not bring the invention so modified beyond the scope of the appended claims.

#### **CLAIMS**

We claim:

1. A method of labeling a container of prescribed medicine, said method comprising the steps:

obtaining a photograph of a patient;

converting said photograph into a computer software object;

creating a label containing prescription information of said patient and said

photograph by combining said computer software object with said prescription information;

printing said label; and

attaching said label to said container.

- 2. The method according to claim 1 wherein said converting and creating steps are performed on a single computer.
- 3. The method according to claim 1 wherein said converting and creating steps are performed on two different computers.
- 4. The method according to claim 1 wherein during said creating step said computer software object is retrieved from a photograph database and said prescription information is retrieved from a prescription database.

- 5. The method according to claim 1 wherein said label further includes medicine information retrieved from an inventory database.
- 6. The method according to claim 1 wherein said label is printed on a laser printer.
- 7. The method according to claim 1 wherein said photograph is obtained by taking said photograph using a camera.
- 8. The method according to claim 7 wherein said camera is a digital camera.
- 9. A system for labeling a container of prescribed medicine, said system comprising: a camera for taking a photograph of a patient; means for converting said photograph into a computer software object; means for creating a label containing prescription information of said patient and said photograph by combining said computer software object with said prescription information; and
  - a printer for printing said label.
- 10. The system according to claim 9 wherein said means for converting is a computer having processing software for converting said photograph into said computer software object.

- 11. The system according to claim 9 wherein said means for creating is a computer having a label algorithm for creating said label.
- 12. The system according to claim 9 wherein said means for converting and means for creating are a single computer.
- 13. The system according to claim 9 wherein said means for converting and means for creating are two different computers.
- 14. The system according to claim 9 wherein said computer software object is stored in a photograph database and wherein said means for creating retrieves said computer software object from said photograph database.
- 15. The system according to claim 9 wherein said prescription information is stored in a prescription database and wherein said means for creating retrieves said prescription information from said prescription database.
- 16. The system according to claim 9 wherein said means for creating combines said computer software object and said prescription information with medicine information to create said label.
- 17. The method according to claim 16 wherein said means for creating retrieves said medicine information from an inventory database.

18. The method according to claim 9 wherein said camera is a digital camera.

#### **ABSTRACT**

A method of and system for labeling containers of prescribed medicine is provided wherein a photograph of a patient is taken using a camera. The photograph is then stored on a computer as a computer software object. When a prescription is filled for the patient, the photograph is printed on the label along with prescription information and the label is attached to the container.

Figure 1

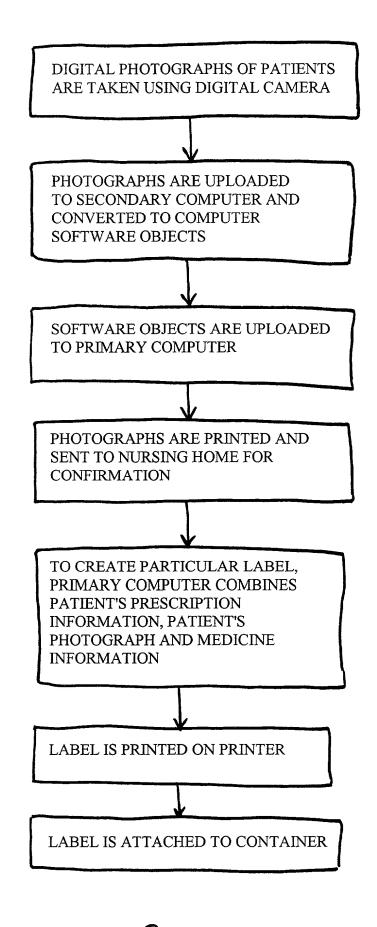


Figure 2

PRESCRIPTION INFORMATION IS RETRIEVED FROM PRESCRIPTION DATABASE BASED ON PATIENT **IDENTIFYING INFORMATION** INPUT INTO COMPUTER CORRESPONDING PHOTOGRAPH IS RETRIEVED FROM PHOTOGRAPH **DATABASE** MEDICINE INFORMATION IS RETRIEVED FROM INVENTORY DATABASE PRESCRIPTION INFORMATION, PHOTOGRAPH AND MEDICINE INFORMATION ARE COMBINED TO **CREATE LABEL** LABEL IS SENT TO PRINTER FOR **PRINTING** 

Figure 3

DOE, JOHN

**ASPIRIN** 

TAB 325MG

ONE TABLET P.O. DAILY

Oty: 30.00 TABLET Exp: 05/00 C DS / MOC: 00113041178 Dr: SMITH, A RX#: 050994 11/30/99 GOLDEN ACRES HOME

ASPIRIN TAB DESME RADA 050996

DOE. JOHN
APPRIN TAB 325MG
05094 Qty: 30.00 11/30/99
6306 DARTON STREET, HORTON GROVE IL 60050
PRESENDRE 647-663-1918 7981867/683-1829

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**PATENT APPLICATION** (37 CFR 1.63)

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My residence, post office	My residence, post office address, and citizenship are as stated below next to my name.								
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:									
Method of and system for labeling containers of prescribed medicine									
the specification of which is attached hereto	(1100	e of the Invention)							
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# **DECLARATION** — Utility or Design Patent Application

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# **DECLARATION**

# ADDITIONAL INVENTOR(S) Supplemental Sheet Page 1\_\_ of \_1\_

Name of Additional Joint Inventor, if any:  A petition has been filed for this unsigned inventor								entor		
Given Name (first and middle [if any])					Family Name or Surname					
Allen						Yeung				
Inventor's Signature	(O)		_					Date	1:	2/14/99
Residence: City	Addison	State	IL	c	ountry	U.S.A.		Citizens	hip [	J.S.A.
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Name of Addition	nal Joint Inventor, if ar	ıy:			A petition	n has been file	ed for t	his unsign	ed inv	entor
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Name of Addition	nal Joint Inventor, if ar	ıy:			A petitio	n has been file	ed for t	this unsigr	ned inv	ventor
Given Na	me (first and middle [if any	])				Family Na	me or	Surname		
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